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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,124	02/12/2007	Armin Boeck	2003P00610W0US	9339
46726 7590 10/02/2009 BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562				
EXAMINER HOPKINS, ROBERT A				
ART UNIT		PAPER NUMBER		
1797				
NOTIFICATION DATE		DELIVERY MODE		
10/02/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary

Application No.

10/554,124

Applicant(s)

BOECK ET AL.

Examiner

Robert A. Hopkins

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-48 is/are allowed.
- 6) ☒ Claim(s) 20-24, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 25-36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CD/CC)
Paper No(s)/Mail Date 10-21-05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20-24,36, and 37 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hayashi et al(7207083).

Hayashi et al teaches a removable dust collecting receptacle comprising a dust separator(104) which operates according to the centrifugal force principle and which has an inlet opening(115) for receiving dust laden air including a first dust fraction and a second dust fraction, a first outlet(117 in figure 7a) for removing the first dust fraction separated from the dust laden air by the dust separator, a first dust collecting compartment(105) in fluid flow communication with the first outlet and at least partially collecting the first dust fraction, a separating device(filter 112) separating the second dust fraction from at least one of the dust laden air and the first dust fraction, and a second dust collecting compartment at least partially collecting the second dust fraction separated by the separating device. Hayashi et al further teaches wherein the separating device is constructed to separate the second dust fraction from the dust laden air or first dust fraction. Hayashi et al further teaches wherein the dust collecting

receptacle has a second outlet(131) for removing the second dust fraction separated by the separating device into the second dust collecting compartment, the second dust collecting compartment being in fluid flow communication with the second outlet. Hayashi et al further teaches wherein the separating device is arranged between the dust separator and at least one of the first dust collecting compartment and the second dust collecting compartment. Hayashi et al further teaches wherein the first dust collecting compartment is separated from the second dust collecting compartment by a dividing wall which forms a channel wall of an entrance channel arranged before the inlet opening in the direction of flow of the dust laden air. Hayashi et al further teaches wherein the first dust collecting compartment for receiving the first dust fraction has a larger volume than the second dust collecting compartment for receiving the second dust fraction.

Allowable Subject Matter

Claims 25-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 25 recites "wherein the dust separator includes a cylindrical side wall having an opening and the separator device includes a separator surface arranged in the opening of the side wall". Hayashi et al teaches a first outlet on a side wall, but does not teach a cylindrical side wall having an opening and the separator device includes a separator surface arranged in the opening of the side wall. It would not have

been obvious to someone of ordinary skill in the art at the time of the invention to provide a cylindrical side wall having an opening and the separator device includes a separator surface arranged in the opening of the side wall because Hayahsi et al does not suggest such a modification. Claims 26-36 depend on claim 25 and hence would also be allowable upon incorporation of claims 24 and 25 into claim 20.

Claims 39-48 are allowed.

Claim 39 recites " a second dust outlet at least partially defined by the side wall and receiving the second dust fraction". Hayashi et al teaches a vacuum cleaner comprising a housing (figure 5) defining a dust compartment, a dust collecting receptacle removably disposed within the dust compartment and having a dust separator (104) centrifugally separating dust fractions from dust laden air, the dust separator including a side wall forming a substantially cylindrical chamber, an inlet opening (115) at least partially defined by the side wall and receiving dust laden air including a first dust fraction and a second dust fraction into the dust separator, a first outlet (117) at least partially defined by the side wall and receiving the first dust fraction separated from the dust laden air by the dust separator, a first dust collecting compartment (105) in fluid flow communication with the first outlet and at least partially collecting the first dust fraction, a second dust collecting compartment. However Hayashi et al is silent as to a second dust outlet at least partially defined by the side wall and receiving the second dust fraction. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a second dust outlet at least partially defined by the

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side wall and receiving the second dust fraction because Hayashi et al does not suggest such a modification. Claims 40-48 depend on claim 39 and hence are also allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, every Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rah
September 28, 2009

/Robert A Hopkins/
Primary Examiner, Art Unit 1797